

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

In re:

GMS Sunset LLC  
Debtor.

Case No. 25-11181-BFK

Chapter 7

**NOTICE OF MOTION AND OPPORTUNITY TO OBJECT**

PLEASE TAKE NOTICE that Lauren Friend McKelvey, chapter 7 trustee (in that capacity, the “**Trustee**”), the duly appointed, qualified, and acting Chapter 7 Trustee herein for GMS Sunset LLC (the “**Debtor**”), by and through the undersigned counsel, has filed papers (the *Trustee’s Motion to Sell Real Property Free and Clear of All Liens, Claims, Encumbrances, and Interests (294 & 276 Sunset Park Drive, Herndon, VA 20170)* (the “**Motion**”)) requesting the entry of an Order approving the terms and conditions of a *Sales Contract* dated December 17, 2025, and ratified on January 23, 2026 (the “**Sales Contract**”), negotiated at arm’s length, providing for the sale to OME West LLC (“**Purchaser**”) of real property located at 294 & 276 Sunset Park Drive, Herndon, VA 20170, Tax Map No. 0173 09 0012, having a legal description of:

Units 11 and 12, Sunset Business Condominium, according to a Declaration recorded in Deed Book 5876, page 13, among the land records of Fairfax County, Virginia, and by Amendment to Declaration recorded in Deed Book 14736, page 108, together with an undivided interest in the Condominium Common Elements as defined in the Declaration and the Virginia Condominium Act.

(the “**Property**”). The Property is owned by the Debtor. The proposed sale is for a price of \$1,370,000. The *Sales Contract* is subject to Bankruptcy Court approval. Title will be conveyed by special warranty deed. The Trustee is requesting authorization to convey the Property free and clear of any and all liens, claims, encumbrances, and interests, with all known valid liens, claims, encumbrances, and interests attaching to the proceeds of sale in the same order of priority as they attached prepetition to the Property.

The Property is encumbered by the following known liens: (a) a first position consensual lien with an approximate balance of \$231,151.09, (the “**Deed of Trust**”), presently held by Business Finance Group, Inc.; (b) Two judgment liens filed by the Sunset Business Condominium Association (the “**SBCA**”) as follows: (i) judgment number 649923; and (ii) judgment number 649922 (collectively, the “**Condo Judgments**”); (c) a judgment lien recorded October 16, 2019, as Judgment Number 618221 in favor of the Town of Herndon (“**Herndon**”) in the amount of \$3,163.87, plus costs and 6% interest (the “**Herndon Judgment**”); and, (c) two Memorandum of

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Lauren Friend McKelvey (VSB No. 78813)  
David N. Tabakin (VSB No. 82709)  
Reitler Kalais & Rosenblatt, LLP  
11921 Freedom Drive, Suite 550  
Reston, Virginia 20190  
Main: 212-209-3050 | Fax: 212-371-5500  
Email: LMcKelvey@reitlerlaw.com  
DTabakin@reitlerlaw.com

*Counsel for the Chapter 7 Trustee*

Condominium Liens: (i) recorded on June 8, 2021; and (ii) June 2, 2022 (collectively, the “**Condo Liens**”). Pursuant to amended proofs of claim 4 and 5 (which encompass the Condo Liens, Condo Judgments, and ongoing condo dues), the SBCA is due approximately \$16,584.61 on a secured basis, and \$29,537.00 as a general unsecured claim. The SBCA is due an estimated additional \$3,582 as ongoing condo fees for the Property between October 2025 and the estimated closing date. All of the aforementioned liens are more particularly described in the Motion.

The sale of the Property to the Purchasers will produce net proceeds, after satisfaction of all unpaid real estate taxes, condo owners’ association dues, and costs of sale, to pay the Deed of Trust, and all known liens and claims in full. Business Finance Group is not expected to object to the sale of the Property free and clear of their liens because they will receive full payment. A copy of the *Motion*, a proposed *Order* and supporting documents may be viewed at the Bankruptcy Court’s website (<http://www.vaeb.uscourts.gov/>) or may be obtained by written request to the undersigned counsel.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not wish the court to grant the relief sought in the *Motion*, or if you want the court to consider your views on the *Motion*, then on or before **February 18, 2026 (the “Response Deadline”)**, you or your attorney must:

- ◇ File with the Court, at the following address, Clerk of Court, United States Bankruptcy Court for the Eastern District of Virginia, Alexandria Division, 200 South Washington Street, Alexandria, Virginia 22314, a written response with supporting Memorandum, as required by Local Rule 9013-1(H). **Unless a written response and memorandum are filed and served by the Response Deadline, the Court may deem any opposition waived, treat the Motion as conceded, and issue an order granting the requested relief without further notice or hearing.** If you mail your response to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date noted above. You must also mail a copy to the people listed below.
- ◇ **Send a copy of any written response to the following people:**

David N. Tabakin Reitler Kalais & Rosenblatt, LLP 11921 Freedom Drive, Suite 550 Reston, Virginia 20190	The Office of the U.S. Trustee, Region 4 1725 Duke Street, Suite 650 Alexandria, VA 22314
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- ◇ **Attend a hearing presently scheduled for February 24, 2026 at 9:30 A.M., before the Honorable Brian F. Kenney, Chief Bankruptcy Judge, Courtroom I, 200 South Washington Street, Alexandria, Virginia 22314.**

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the *Motion* and may enter an order granting that relief.

**LAUREN FRIEND MCKELVEY, TRUSTEE**

Dated: January 28, 2026

Respectfully submitted,

*/s/ David N. Tabakin*

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Reston, Virginia 20190

Main: 212-209-3050 | Fax: 212-371-5500

Email: [LMcKelvey@reitlerlaw.com](mailto:LMcKelvey@reitlerlaw.com)

[DTabakin@reitlerlaw.com](mailto:DTabakin@reitlerlaw.com)

*Counsel for the Chapter 7 Trustee*